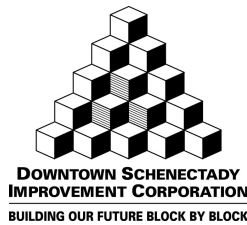


# DOWNTOWN SCHENECTADY FAÇADE IMPROVEMENT PROGRAM GUIDELINES



REVISED – MARCH 2010

Approved on 3/3/10 by the Façade Committee

Approved on 8/25/09 by Downtown Schenectady Improvement Corporation Board of Directors

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## ■ PROGRAM BACKGROUND & OVERVIEW

Utilizing funding from the Schenectady Metroplex Development Authority (Metroplex), the Downtown Schenectady Improvement Corporation (DSIC) has established a façade grant program for commercial properties within the boundaries of the Downtown Special Assessment District (DSAD). Leveraging a dollar-for-dollar match from property owners, the program encourages property owners to make repairs and improvements to the exterior of their buildings. The DSIC recognizes the importance of incorporating energy efficiency improvements in projects. Information on energy audits and NYS energy efficiency programs can be obtained at the DSIC.

The DSIC established a Façade Committee (Committee) to work with program staff to oversee the program. The Committee includes representatives from the City, County, local architects, district property owners, and employs the services of an Architectural Consultant. Metroplex acting as escrow agent administers and disperses grant funds.

The program requires the active participation of property owners throughout the process and their compliance with these **Façade Program Guidelines** and **Façade Design Guidelines**.

Each project **must** file an application with the DSIC in order to be considered for a grant. The application fee is \$250, with the exception of mini-grant applications, which do not require a fee. The application fee will be applied toward the applicant's escrow funds. Applications will be considered null and void within 60 days from submittal if the owner does not move their project forward and/or stay in contact with the DSIC, and the application fee will be forfeited to the DSIC. If, within 60 days of application, the Committee rejects the application or the applicant decides not to proceed, the fee will be returned to the applicant. Applicants may reapply to the program at a future date; an application fee will be required.

All projects that are conditionally approved by the Committee must be completed within 12 months of grant approval. Escrow funds must be in place within 60 days from the date of grant approval. Project construction must begin within 6 months of conditional grant approval and be completed within 12 months. Any project not completed within 12 months may, for good cause acceptable to the committee, be granted an extension upon submission of a request by the grantee explaining the reason(s) for delay. If an extension is not granted, the grantee's escrowed funds less the \$250 application fee will be returned to the applicant and the grant approval canceled. The grantee may reapply to the program at a future date; an application fee will be required.

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## ■ PROGRAM HIGHLIGHTS & ELIGIBILITY

- Selection of projects for funding will give priority to: those with the greatest physical need, designs that enhance the historic preservation features, promote economic development, are located in areas of high visibility, will have maximum impact on the targeted streetscapes, and are ready to progress.
- Grant funds are limited and applicants will therefore be competing for available funding. Applicants are therefore encouraged to actively move their applications forward to avoid suspension of their project(s) by the Committee and the DSIC due to lack of funds.
- Property owners must match all grant funds dollar-for-dollar.
- Façade grant applicants shall not actively market or have their properties listed for sale at time of application or during any part of the façade grant process, including the construction phase. Executed grant contracts are not to be assigned to another party without the consent of the DSIC.
- Grants range from \$1,000 to \$30,000, however buildings with la façade inear street frontage exceeding 60 feet, may qualify for grant funds up to a maximum of \$60,000, subject to Façade committee approval.
- The DSIC contracts with an Architect (Program Architect) to provide assistance to projects involving design work. The program covers 100% of the architect's fees for concept deign(s) and project budget service. If the owner agrees to move forward with the design and budget proposed and construction documents are required, the DSIC will provide grant funds of up to \$3,000 dollars, matched dollar-for-dollar by property owners, for up to \$6,000 of architect or engineer provided construction document service. The owner utilizing, information provided by the Program Architect shall solicit service proposals from architects/engineers, which may include a service proposal from the Program Architect, and select the architect preferred.
- Reimbursable mini-grants of up to \$2,000 matched dollar-for-dollar by property owners, may be utilized to provide for up to \$4,000 in expenditures, for projects such as signage and other minor improvements. Mini-grant applications must be approved before work has started and be paid in full by the owner prior to reimbursement of grant funds.
- Matching funds provided by property owners must be placed in escrow with Metroplex at the time project contracts are executed. Property owner's funds will be expended first as the project moves forward, with grant funds expended subsequently. (Except for mini-grant projects)
- Building tenants qualify for funding, however written permission from the property owner for the Scope of Work must be provided to DSIC for grant approval consideration.
- Improvements involving roofs, building interiors and other areas not visible from the street are **NOT** eligible for funding. If roof or other repairs affecting façade grant funded improvements are required, these repairs are to be funded and implemented outside of the program.
- Any member of the Façade Committee who owns or has a financial or contractual interest in property for which a grant is sought under the Façade Improvement Program shall excuse themselves from any deliberations or decisions regarding the grant approval or funding.

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## ■ PROGRAM FUNDING

Property owners must match all grant funds dollar-for-dollar.

Projects, which have received grant approval, but which exceed the established funding limits may be eligible for additional funding by submitting a supplemental request for consideration by the Façade Committee and DSIC based upon following criteria:

1. The Project must meet all the general requirements of the Façade Program and have received or be eligible for grant approval.
2. Applicant must demonstrate need by establishing that additional funding is essential to complete the project work scope.
3. In evaluating a request for additional grant funding, consideration will be given to: location and visibility; greatest demonstrated physical need; promotion and enhancement of economic development; promotion and enhancement of historic preservation.
4. Applicant must demonstrate the financial ability to match additional grant funding; and that the project is ready to proceed upon grant approval.
5. Additional grant funding is not to materially impair implementation of other applicant projects within the façade program grant limits.

Request for additional grant funding exceeding the limits of the Façade Program Guidelines must be submitted in writing to the Façade Committee together with all requested supporting documentation for Committee review and approval. The Façade Committee may either (1) deny the application (2) recommend to the DSIC Board authorization of that additional funding (3) recommend submission of a separate grant application requesting additional funding, to Metroplex. Committee decisions for additional funding may be appealed to the DSIC Board of Directors.

## ■ APPLICATION & PROGRAM PROCESS

Staff of the DSIC is available for assistance to applicants throughout the process; however the program requires the active participation of the property or business owners. Grant funds are not awarded until the fully approved project goes to contract, and the grantee's funds are placed in escrow.

The step-by-step process is described in detail as follows:

### Step One – Initial Application

Applicants must:

- 1) Review Program/Design Guidelines
- 2) Meet with/discuss application with façade program staff
- 3) Complete application with submit to DSIC with application fee

Applications will continue to be considered until available grant funds are fully expended.

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## Step Two – Initial Application Review & Approval

Applications will be reviewed by DSIC staff for completeness. Incomplete applications will be returned with request for additional information. Completed applications will be reviewed and evaluated by the façade committee which may include a site visit by committee members, program staff, and property owners who will be notified in advance.

After evaluation, the Façade Committee will either approve or deny the application. For projects not approved, applicants will receive their application fee and a written notification explaining why. For applications approved, applicants will receive written notice, to proceed to step three.

**It is important to understand that approval of the initial application does not constitute grant approval.**

## Step Three – Scope of Work Development and Approval

After application approval, the owner is to work with program staff to prepare a draft Scope of Work in compliance with the design/program guidelines. To describe in detail the intended work. During development of the draft Scope of Work matters of design including materials, products (such as windows) finishes, colors, etc. are to be discussed with staff/Committee for resolution. The Scope of Work is to be incorporated into the work implementation contracts.

The Façade Committee reviews the draft Scope of Work for approval, program staff then meets with the applicant to review the approved Scope of Work, and discuss finalizing the façade proposal forms.

## Step Four – Property Owners Obtain Project Proposals from Contractors

The applicants are to use the approved Scope of Work and the proposal forms to make a good faith effort to obtain at least three cost proposals from contractors. If less than three proposals provided to DSIC, the applicant must document in writing, contractors contacted for request of proposals and the efforts made to provide the minimum of three. Program staff is available to assist at any stage in the process. Owners may choose to break down larger projects into component parts with separate contractors (i.e. painting, carpentry, masonry, etc.). All contractors submitting proposals must review the program and design guidelines, will be required to sign all proposal forms and a non-collusion affidavit.

## Step Five - Contractor Selection

When the applicant has obtained all the contractor proposals necessary for the project, they shall submit to DSIC a letter indicating their preference of contractor(s), the **original copies** of the Scopes of Work and completed Contractor Proposal forms, with the Non-Collusion Affidavits attached. Proposals, and the selection of the owner, will be submitted to the Façade Committee for checking completeness and approval. The property owner is encouraged to select the lowest qualified proposal; however, the owner may choose from proposals within a range deemed acceptable by program staff. The actual selection of the Contractor is the sole and exclusive responsibility of the property owner, subject to approval by the Façade Committee.

If the proposals exceed the ability of the property owner to match funds, or the maximum allowable grant for that property, the applicant may elect to move forward with some portion of the approved work, or request to submit an amended Scope of Work and obtain new proposals, all subject to review and approval by the Façade Committee.

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Once the Committee and the property owner have approved the proposal, the Committee will make the conditional grant award. When the contract is executed and funds are escrowed, this shall represent a full commitment by all parties.

### Step Six - Contract Execution and Escrow of Grant Funds

The DSIC staff will schedule a meeting with the approved contractor(s) and the applicant to review and execute the following contracts and agreements:

- Owner DSIC Grant Agreement - This agreement defines the contractual relationship between the DSIC and the Owner, and addresses the grant requirements for the property and the payment terms for grant funds.
- Owner/Contractor Agreement - This agreement constitutes and defines the contractual agreement between the Owner and the Contractor, and is the primary document governing the work to be undertaken. The Owner/Contractor agreement must include the Scope of Work, schedule of payments, and a completion date deadline.
- Owner/Metroplex Escrow Deposit Agreement - This agreement constitutes and defines the escrow agreement between the Owner and Metroplex and specifies how funds are placed in escrow, and how those funds are paid out during construction.
- Hold Harmless Agreement (from the Owner) - This agreement holds Metroplex harmless from any claims arising from their role as escrow agent.
- Hold Harmless Agreement (from the Contractor) - This agreement holds Metroplex harmless from any claims arising from their role as escrow agent.
- Non-Collusion Affidavit (from Contractor) – This affidavit is signed by the contractor to certify that they have not made any false claims or attempted to defraud the façade program in preparing their proposal and completing contract documents.
- Equal Opportunity Requirement – This document certifies for the contractors, requirements to comply with the applicable equal opportunity laws within the State of New York.

At the time the Escrow Deposit agreement is signed, the owner must provide to Metroplex the owners share of the project cost consisting of: a certified check, official check of a financial institution, wire transfer, or money order, made payable to “Metroplex as Escrow Agent” for deposit into an escrow account.

The property owner is responsible for all approved costs in excess of their matching grant available through the Downtown Schenectady Façade Program, and must also place those additional funds in escrow.

The deposit of the Owner’s funds in escrow is a condition precedent to final grant approval. By placing the funds in escrow, they are deemed available for the purpose of fulfilling the grant. Once the owner’s funds are placed in escrow, and all necessary contracts and agreements have been executed, the facade grant may receive final approval from the DSIC, and upon such notification, Metroplex will place the necessary grant funds in escrow. In the event final grant approval is not received in a timely manner or is for any reason denied, the Owner will be entitled to receive a refund of their funds held in escrow within five (5) business days of such denial or from the Owner’s request. **IMPORTANT – Prior to escrow of owners funds, no façade grant should be considered by any party to be approved.**

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## Step Seven – Project Work

Once all necessary contracts and agreements have been executed, the contractor shall undertake and complete the project according to the terms of the Owner/Contractor agreement.

**Compliance with Federal, State and City of Schenectady Requirements:** The owner and/or contractor shall be responsible for applying for and obtaining all necessary permits and approvals from the City of Schenectady, and all applicable governmental and regulatory authorities. The owner shall be responsible for obtaining approval from the Schenectady Historic District Commission (if required), and providing all architectural documents or other services required to obtain necessary governmental and regulatory approvals.

**Oversight of Construction Work:** The property owner is responsible for overseeing the quality and progress of the contractor's work, and for reporting any problems to the City and the DSIC. Compliance with building codes, regulations, standards and requirements will be monitored and determined by the appropriate City and regulatory agencies. Once all final approvals have been obtained from said City and regulatory agencies, the DSIC will inspect the work to determine if the requirements of the grant – including design guidelines – have been met.

## Step Eight - Project Completion and Payment of Funds

Payments of funds by Metroplex to the contractor are to be made according to the schedule of payments contained in the Owner/Contractor agreement. All payments must be requested and approved by the property owner. The property owner shall submit original invoicing to the DISC, which will then generate a payment authorization form for the owner to sign. Once the property owner signs the payment authorization form the DSIC staff will sign and submit the form and invoice to Metroplex within 5 business days of submission. All payments will be issued to contractors within 20 business days of submission by the DSIC to Metroplex.

As stated previously, **all payments shall be made first from the Owner's Funds and then from the Grant funds** and no payment(s) shall be made except upon the prior written approval of the Owner and the DSIC.

The Owner and the DSIC, before making any payments, may require the Contractor to furnish releases, affidavit of payments, and receipts from any or all persons performing work and supplying materials or services to the Contractor, or any subcontractor, for their work under the Contract, if it is deemed necessary to protect the Owner's and/or the DSIC's interests.

**Final Payment:** The final payment amount(s) due and payable to the contractor for the work performed shall be requested in the same manner as set forth above. It is the property owner's obligation to ensure all contract requirements have been satisfied, all work has been performed in a satisfactory manner, and that any and all requirements of the City, State, and any other applicable governmental and regulatory agencies have been met.

**If for any reason, the property owner refuses to authorize payment, payment will not be issued, and the contractor and the property owner must resolve the issue(s) independent of the DSIC and/or Metroplex.**

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## ■ CONCLUSION

In conclusion the above guidelines shall apply to all projects undertaken with funding from the Downtown Schenectady Façade Improvement Program administered by the Downtown Schenectady Improvement Corporation. Interpretation of these guidelines is in the sole and absolute discretion of the Downtown Schenectady Improvement Corporation and its agents or representatives. The Downtown Schenectady Improvement Corporation may amend these guidelines at any time, and all projects are subject to these revisions.

**\* I have read and understand the above guidelines, I hereby acknowledge receipt of a copy of the same and agree to abide by their provisions.**

### CONTRACTOR ACCEPTANCE OF GUIDELINES\*

_____	_____
Date	Name of Contractor
Official Address	
_____	_____
_____	Title
_____	_____
	Signature

### OWNER ACCEPTANCE OF GUIDELINES\*

Date: _____	_____
	Name of Owner
Address:	
_____	_____
_____	Name of Owner